

04772 U.S. PTO

19270 U.S. PTO

10/768784

013004

PLANT**PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

1464-002

First Inventor

Dale E. HERMAN

Title

Birch Tree Named 'VerDale'

Express Mail Label No.

EV207753133US

ASSIGNEE: NDSU Research Foundation
Fargo, North DakotaADDRESS TO: Assistant Commissioner of Patents
Box Patent Application
Washington, D.C. 20231**APPLICATION ELEMENTS****ACCOMPANYING APPLICATION PARTS**

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
3. ☒ Specification Total pages [6]
(preferred arrangement set forth below)
 - Descriptive title of the invention (with Plants name)
 - Cross references to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Latin name of genus and species
 - Variety denomination
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings
 - Detailed Botanical Description
 - Claim (only one (1) permitted MPEP 1605)
 - Abstract of the Disclosure
4. ☒ Color Drawing(s) (Total Sheets) [6]
(2 copies required - 37 CFR 1.165(b))
5. ☒ Oath or Declaration (Total Pages) []
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application
(37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
- ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet.

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement
(when there is an assignee)
- ☐ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement /PTO 1449
- ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s).
(if foreign priority is claimed)
14. ☐ Request and Certification under
35 USC 122(b)(2)(B)(i)
15. ☒ Other: Certificate of Express Mailing by Label
EV207753133US


Note: Please state the Latin name and variety
denomination of the plant claimed in a separate section of
the specification.

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional of prior application No.:

Prior application information: Examiner _____ Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied
under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by
reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**17. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label 32905

Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898
Name	Robert J. Jondle, Reg. No. 33,915				
Signature				Date	January 30, 2004

**FEE TRANSMITTAL
for FY 2003
(Small Entity)**

Complete if Known

Application Number	10/
Filing Date	
First Named Inventor	Dale E. HERMAN
Examiner Name	
Group Art Unit	

Total Amount of Payment	(\$305.00)	Attorney Docket Number	1464-002
-------------------------	------------	------------------------	----------

METHOD OF PAYMENT (check one)

FEE CALCULATION (continued)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 50-2368 in the name of Jondle & Associates P.C.

☐ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	210	Extension for reply within second month	[]
2253	475	Extension for reply within third month	[]
2254	740	Extension for reply within fourth month	[]
2255	1,005	Extension for reply within fifth month	[]
2401	165	Notice of Appeal	[]
2402	165	Filing a brief in support of an appeal	[]
2403	145	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	665	Petition to revive - unintentional	[]
2501	665	Utility issue fee (or reissue)	[]
2502	240	Design issue fee	[]
2503	320	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[40.00]
2809	385	Filing a submission after final rejection (37 CFR .129(a))	[]
2810	385	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	385	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
		Other fee (specify) Statutory Disclaimer	[]

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	385	Utility filing fee	[]
2002	170	Design Filing Fee	[]
2003	265	Plant Filing Fee	[265.00]
2004	385	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$265.00

2. CLAIMS


Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee \$	Fee Paid
[]	[]	[]	- 20** = [] x	\$ 9 = []	[]
[]	[]	[]	- 3** = [] x	43 = []	[]
[]	[]	[]	+ 145 = []		[]

**or number previously paid, if greater;

SUBTOTAL \$

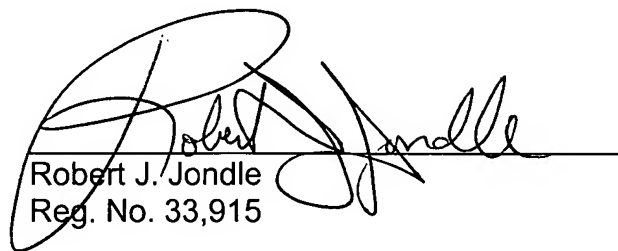
* Reduced by Basic Filing Fee Paid

SUBTOTAL \$40

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Robert J. Jondle, Reg. No. 33,915		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
	January 30, 2004		

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail EV207753133US in an envelope addressed to: Mail Stop Patent Application, Commissioner of Patents, P. O. Box 1450, Alexandria VA 22313-1450 on January 30, 2004.



Robert J. Jondle
Reg. No. 33,915

January 30, 2004

Jondle & Associates P.C.
9085 East Mineral Circle, Suite 200
Centennial CO 80112
(303) 799-6444